

## Book Review

### THE GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE

edited by Frank S. Bloch [Oxford University Press, 2011, 400 pp., £46.80, (Hardback)]

*The benefits of clinical legal education transcend borders as clinicians all over the world try to make legal academics and the legal profession more permeable to the advancement of the cause for social justice. Spare a second and think about the everlasting global recession; the declining economies of the world; the incomprehensive welfare reforms; the ever changing face of the welfare benefits system; the crippling legal aid funding cuts; the progressive erosion of the rule of law in certain parts of the world and a deprivation of basic human rights. You will agree with me that this is the nightmare world that indigent communities face every day. Clinical legal education programmes within law schools can be used to alleviate some of these problems. We can achieve this by setting up and running law clinics where law students, under the direct supervision of their lecturers, can provide free legal advice and representation to members of the public who otherwise would not afford solicitors and barristers' fees for legal services.*

*Reaching out to other proponents of clinical legal education on a global level and setting up and running a law clinic in any jurisdiction requires a deep understanding of the socio-economic, political and cultural fabric of each targeted country. Knowledge of the social justice mission of clinical legal education and the importance of forming an alliance to perpetuate the global clinical movement's future role in educating lawyers for social justice is also paramount. Central to achieving the two objectives of clinical legal education, i.e. educating future lawyers and delivering legal advice, is the consistency in contributing to clinical scholarship by different clinicians from different jurisdictions whose experiences in clinical programmes is shaped by the different contexts in which such programmes are introduced, implemented and sustained.*

In an apparent response to the needs of clinicians and the research community to forging a global alliance for justice education, Frank S. Bloch and 50 other prominent clinical legal education scholars, drawn from different jurisdictions, centralised relevant information on the development of the global clinical legal education movement. The book succinctly describes a global clinical movement in motion; sweeping across five continents and elucidating the increasingly important role clinical legal education plays in the education of future lawyers. The book is a platform from which contributors describe the emergence of clinical legal education; its models and its benefits. Among its' themes, the book provides a helicopter view of the different pedagogical methodologies of clinical legal programmes while placing emphasis on the justice mission of clinical legal education.

The book invites its audience to engage in the debates around the importance and the benefits of engaging relevant stakeholders in bridging the academic skill of thinking like a lawyer to the professional skill of lawyering. The book is littered with informative narratives of experiences of seasoned and leading clinical legal educators who explicitly highlight the challenges of trying to introduce, implement and sustain clinical programmes. Nevertheless, amidst these challenges, the reader is constantly reminded of the importance of constantly engaging in justice education that links legal education and professional skills. The reader's attention is drawn to this cause through a thorough examination of the influence of linking legal education and professional skills to law schools and the actual practice of law. It is

this influence that stimulates vibrancy of the global clinical movement in generating a sense of collegiality among clinicians who might otherwise feel isolated in their own faculty because of perhaps, the feeling that they 'do not fit.'

The subtitle *-Educating Lawyers for Social Justice-* tells the reader what the book is all about, the values espoused by Bloch and his team. It is from here that the reader is first introduced to the reasons why the now '*global reach of clinical legal education has aided and facilitated its growth and acceptance*' (xxiii). It is also here that we engage with the argument that an emerging global clinical legal education movement is playing an increasingly important role in educating public interest lawyers for social justice and the empowerment of indigent communities.

## **Summary**

Structurally, the book tells a coherent and logical story of the global reach of clinical legal education in 25 chapters arranged in 3 different parts.

In Part One, we are introduced to the emergence of clinical legal education through a vivid description of the different continental and jurisdictional contexts in which experientially based clinical programmes are introduced, implemented and sustained.

In Part Two, we are guided through a maze of different ways in which clinical pedagogy and clinical programmes can be used to promote public interest lawyering in advancing a social justice agenda that aims at empowering indigent communities.

It is argued that the idea of treating law students as empty vessels in which the theory of law and legal information is poured into through the use of a traditional lecture and/or seminar method of teaching substantive law is no longer tenable in modern societies.

A critical analysis of the state of the global clinical movement is laid bare in Part Three. Contributors take turn in making strong, opinionated and sometimes polemic suggestions for the future role of the global clinical movement in educating lawyers for social justice. They set forward a clear agenda for the global clinical movement to adopt in pushing forward a narrative that not only promotes clinical programmes but goes further in providing the world citizenry with a legal education that is socially relevant to the needs of our modern societies.

### **History and Influence**

Bloch, with contributions from his team of clinical experts, presses home the point of the global reach of clinical legal education in several ways. The reader is made aware that while important early developments occurred in other countries and in other parts of the world, clinicians in the USA, Britain, Canada and Australia '*laid the groundwork for the modern clinical movement and set the stage for its spread around the world*' (p.3). In order to inform his and other clinicians' arguments in the latter parts of the book, the text tells a story of the emergence of clinical legal education as a revolutionary pedagogical method and gives a narrative of the origins of CLE in the USA, Britain, Canada and Australia. The introduction and implementation of clinics

in Africa through the adoption of some models from the USA and Britain, for example, is a good example of clinicians working together to promote clinical legal education as a global movement and a tool that aims at advancing the cause for social justice. The fact that *'university legal aid clinics in Africa and in developing countries can play a valuable role in supplementing the work of the national legal aid bodies'* (p.34) is a clear illustration of the need for a global reach of clinical legal education in educating lawyers for social justice and for promoting public interest lawyering.

By making reference to the Bologna Process, a pan-European framework for promoting a convergent restructuring of higher education throughout Europe, the contributors assert their view that this process creates an arena for experiential learning in legal education curriculum through the creation of clinical legal education programmes which may help in pushing forward an agenda for reforming legal education (p.132). Chapter 9 of the book seeks to break the myth that the export of clinical legal education from the United States constitutes legal imperialism by arguing that expenditure on clinical legal education outside the USA by the USA government and its agents is far less compared to other investments in foreign assistance. The chapter concludes the first part of the book and argues that *'the US export of clinical legal education is not now and arguably never has been legal imperialism'* (p.147).

## **Embedding and Sustaining**

The book demonstrates the need for persistence even where the experiences of unsustainable clinical programmes may seem to be having a derailing effect on the global clinical movement's momentum. The implementation and sustainability of clinical programmes in South East Asia seem significantly affected by law schools that still preserve the status quo and '*continue to use an archaic lecture-oriented pedagogical method*' adopted at the time when these law schools were established (p. 37). Thus the movement's goal to bring full accredited clinical programmes in South East Asia and South Asia that include a social justice aspect is far from complete. The contributors suggest that the mindset of the community must change if clinical legal education is to succeed in this region. They posit that '*promoting legal aid and social justice can no longer be treated as an extracurricular activity, but instead must be undertaken as a regular activity of the law school, fully integrated and supported not only in the law schools, but also in the community*' (p.49).

In Central and Eastern Europe, the contributors trace the origins of the clinical legal education and the challenges faced by such programmes. They also propose potential directions for the future development of clinical legal education programmes. They discuss opportunities and challenges within the wider European context especially in countries where the adherence to the rule of law doctrine has been called into question. They argue that '*the role of legal clinics in assisting in shaping the future profession is without any doubt a topic that should be constantly present in political negotiations and discussions within the legal profession and with regard to the long*

*term-term success of the rule of law reforms'* (p.67). They have also observed that even though clinical legal education is not yet fully consolidated in Latin America, there is still hope that that new approaches to clinical legal education based on the practical tenets of public interest lawyering (PIL) will add to the momentum of the clinical movement in the region. In an apparently polemic fashion, the book states that '*legal clinics in Latin America have come to stay*' (p.83). The contributors argue that the '*stand against formalism and the inspiration that some clinics' PIL cases have had on law students and professionals have made clinics an increasingly better known model for channelling expectations of legal education reform which so far has been deeply disappointing for law students and the communities that the law and the legal system should serve*' (p.84).

## **Justice Education**

In the second part of the book, Bloch and others seek to argue that access to justice must be seen and accepted as a central component of learning the law with '*enormous transformative potential for both legal aid and clinical legal education*' (p163). They argue against the idea of treating law students as empty vessels, constantly bombarded with legal information and theories of law as a way of preparing them for future practice as lawyers. To assume that such future lawyers would be effective in the delivery of legal services within their communities upon graduation would be foolish. This is certainly one good reason why we find value in pursuing law school pedagogy via an integrated curriculum that incorporates experiential learning with the commitment to serve the community through legal practice. According to the

contributors, *'this opportunity often transforms the ways students think about social justice and their role in achieving it'* (p.181). Nevertheless, it is also important to reinforce professional responsibility in clinical pedagogy that aims at educating lawyers for social justice because *'education is the art of making human beings ethical'* (p.183). It is argued here that real understanding of legal ethics is best understood by students undertaking classes which expose them, in simulation or reality, to the actual practice of the law. The contributors argue that there is *'need to ensure legal education which does not merely teach the rules and how to manipulate them, but which explores the ethical codes of the profession, the values which underpin those codes and the questions of social justice inherent in any legal scheme'* (p.194).

Clinical legal education can also be used as a *'tool for social change'* (p. 209) through community service and Street Law programmes, especially in jurisdictions where law is seen as merely an instrument to preserve and prolong dictatorship and to perpetuate the interests of a privileged minority at the expense of the majority. As clinicians, we owe a duty of care to the students and the communities we serve and hence *'law students should be encouraged to participate in community service and be given academic credit for their efforts'* (p. 238). Furthermore *'it is in the greater interest of society to make legal education more socially relevant, and the way to do that is to integrate socially responsive clinical programs into the law school curriculum'* (p. 250). An integration of the Alternative Dispute Resolution (ADR) and a clinical legal education component beyond the tenets of negotiation skills is effectively argued by Bloch and his team: *'in ADR clinics and clinics that embrace ADR, law students develop their professional identity*



*and fundamental lawyering skills and values as problem solvers, conciliators, mediators, and peacemakers'* (p. 262).

### **A Movement In Motion**

In the third and final part of the book, clinical legal education it is argued that *'common educational goals and professional values can bring a diverse worldwide community of clinicians together in a movement aimed at transforming legal education into justice education'* (p.265). The spheres in which clinical legal education operate are presented as numerous, including legal aid, social justice, internal clinics and externships, sustainable development and good governance and as such there is no doubt that a *'new jurisprudence on social justice is evolving out of clinical experiences, one that enhances the social relevance of legal education and offers great opportunities for the global clinical movement'* (p. 277).

Effectively argued is the story of the global clinical movement as a vehicle for the mission to educate lawyers and provide professional assistance and that this is a mission of continuous improvement in legal services and the pedagogy that underpins them. In order to sustain a vibrant clinical movement that recognises law schools as a bridge for community and professional engagement there is need to encourage, build and sustain contributions by different stakeholders such as academics, students, the community, government agencies, the legal profession and the alumni (p. 307). In general, Bloch and his team point to the importance of scholarship on the effectiveness of the clinical pedagogy and its contributions to

justice and they lament the locality nature of clinical scholarship given the potential for a global movement. They suggest clinicians should consider the audiences they write for *'if clinical scholarship is to remain part of a larger conversation with an engaged community of law teachers'* (p. 320).

In order to transcend borders clinical scholarship must sensitise cultural and national differences. A clear agenda for the global clinical movement is to avoid the promotion of leadership that is dominated by the Western countries but that which is shared by *'representatives from all regions of the world so that they can bring together the worldwide clinical movement needed to implement a truly global agenda'* (p. 336). The development of the clinical legal education movement requires a concerted effort for the consolidation of the work of clinicians in different jurisdictions and then setting *'an ambitious yet realistic agenda for the future'* (p. 350). Such an agenda must promote normative attractions to law and their recipe for accountability and then go further in rejecting *'lawyer-dominated businesses which persist with positivist denial of justice objectives and individual preoccupation with last-century monetary gain'* (p. 362). The last chapter of the book is dedicated to the essence of the Global Alliance for Justice Education (GAJE): *'a network of people... diverse in origin, in expertise and in profession, who share the common goal of achieving social justice through education'* (p. 380).

### **The Reader's Perspective**

The part of *The Global Clinical Movement* a reader may find particularly appealing is that the book's core thesis- that clinical legal education is important in advancing the

cause of social justice – is advanced early on in the book's introduction (p. xxiii). Bloch argues that the existence of clinical programmes around the world has helped *'the Committee of Chinese Clinical Legal Educators to push for expansion of clinical programs in China'* (ibid). In order to support his argument, Bloch asserts early on in the introduction that *'prominent examples of support for new clinical initiatives that reached across borders include South Africa's Association of University Legal Aid Institution's work in Nigeria that resulted in the establishment of the Nigerian Network of University Legal Institutions and the efforts by the Polish Legal Clinics Foundation, the Russian Clinical Legal Education Foundation, and others to bolster clinical programmes throughout their region'* (ibid).

The importance of the book lies in its ability to centralise clinical scholarship in a single volume. *The Global Clinical Movement* oozes vibrancy into a global clinical movement whose agenda is, among other things, to lend support and provide a sense of collegiality to those members of the law faculty who may feel left out of the legal academy due to the nature of their work on clinical legal education in comparison to colleagues who teach non-clinical subjects. Collegiality, which must be so engrained in the life of a legal academy, sustained by the unstinting dedication of fellow clinicians around the world, plays a pivotal role not only in the education of future lawyers for social justice but in safeguarding the future of the global clinical legal education movement itself. The value of the book lies in its ability to provide a platform for clinicians around the world to share their experiences and

insights on establishing and sustaining clinical legal education programmes. The book's year of publication is timely. The book was published in 2011 when the world was still reeling under a seemingly unending global recession making it even more imperative and inevitable for clinicians to continue to gather as a unit where ideas, insights and practices are shared and evaluated with a view of sustaining existing clinical programmes and establishing others. In this way clinicians meet an unmet need in the provision of legal services for members of the community who otherwise would not be able to pay for solicitors and barristers' fees.

A potential disadvantage is that with 400 pages, the book may be considered too long and readers may be put off by the sheer scale of the book; nevertheless, such a length can itself aid understanding of the text if it is read episodically, giving the reader an opportunity to reflect on and enable percolation of the ideas presented. The only other potential weakness to the goal of the book is the fact there is no inclusion of clinical education scholarship and/or contributions that reject the tenets or indeed benefits of clinical legal education. Therefore the book may, potentially, expose itself to the charge of bias and polemic. However, the book may equally be deemed a project of advocacy and in this respect, it is good that Bloch provides the reader with biographical information on each of the 51 clinical contributors who share their thoughts and experiences on the subject. In this way, the reader is made aware of the context in which these leading clinicians write before even reading their

contributions in the book and can make their own judgements about the strength of the arguments presented.

To conclude, this is an excellent book to read and to own. It does exactly what it says on the tin ... educate lawyers for social justice.

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